

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USA

-v-

Paracha

Document #

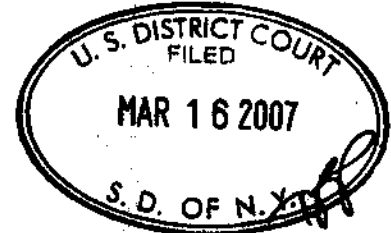
92

USCA NO. 06 3599

SDNY NO. 03-cr-1197

JUDGE: Mag. Judge

DATE: 3-16-07



INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

Willie Addison

FIRM:

PRINTING HOUSE PRESS

ADDRESS:

10 EAST 39TH STREET

NEW YORK, NEW YORK 10018

PHONE NO.:

212-719-0990

DISTRICT COURT DOCKET ENTRIES

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

() Original Record

() Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 16 Day of March, 2007.

United States District Court for
the Southern District of New York

USA

-v-

Paracha

Date: 3/16/2007

U.S.C.A. # 06-3599 ch

U.S.D.C. # 03-cr-1197

D.C. JUDGE Mag Judge

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 91, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>	
8-8-03	ARREST WARRANT	# 3
9-8-03	ORDER	# 5
10-8-03	INDICTMENT	# 6
3-18-03	Letter	# 36
9-7-05	CJA	# 60
9-14-05	Declaration	# 86
9-21-06	Letter	# 85
7-24-06	Order	# 89

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this man Day of 16 In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 231st year.

J. Michael McMahon, Clerk

By

Deputy Clerk

APPEAL, CLOSED, PRIOR

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:03-cr-01197-SHS All Defendants
Internal Use Only

Case title: USA v. Paracha

Magistrate Judge case number: 1:03-mj-01580

Date Filed: 10/08/2003

Date Terminated: 07/21/2006

Date Filed	#	Docket Text
08/08/2003	<u>1</u>	COMPLAINT as to Uzair Paracha in violation of 18 U.S.C. 2339B - Conspiracy to provide material support or resources to foreign terrorist organization. (signed by Magistrate Judge Andrew J. Peck) [1:03-m -1580] (gg) (Entered: 08/08/2003)
08/08/2003	<u>2</u>	ARREST WARRANT issued as to Uzair Paracha. [1:03-m -1580] (gg) (Entered: 08/08/2003)
08/08/2003		ARREST of Uzair Paracha [1:03-m -1580] (gg) (Entered: 08/08/2003)
08/08/2003	3	ARREST WARRANT Returned Executed as to Uzair Paracha on 8/8/03. [1:03-m -1580] (gg) (Entered: 08/08/2003)
08/08/2003		First Appearance as to Uzair Paracha held. Deft appears with atty Anthony Ricco. AUSA Karl Metzner present for the gov't. Detention hearing scheduled at deft's request for 8/12/03 at 10:30 A.M. Gov't to advise Pakistani Embassy of Paracha's arrest. Preliminary Examination set for 9/8/03 for Uzair Paracha ; Detention Hearing set for 10:30 8/12/03 for Uzair Paracha ; (before Magistrate Judge Andrew J. Peck). [1:03-m -1580] (gg) (Entered: 08/08/2003)
08/12/2003		Detention hearing as to Uzair Paracha held before Magistrate Judge Andrew J. Peck. Deft appears with atty Anthony Ricco. AUSA Karl Metzner present for the gov't. Detention. See detention order. [1:03-m -1580] (gg) (Entered: 08/12/2003)
08/12/2003	<u>4</u>	ORDER OF DETENTION as to Uzair Paracha (Signed by Magistrate Judge Andrew J. Peck) [1:03-m -1580] (gg) (Entered: 08/12/2003)
09/08/2003	5	ORDER as to Uzair Paracha, to Continue in Interests of Justice time is excluded from 9/8/03 to 10/8/03 (Signed by Magistrate Judge Debra C. Freeman); [1:03-m -1580] (lw) (Entered: 09/09/2003)
10/08/2003	6	INDICTMENT as to Uzair Paracha (1) count(s) 1, 2, 3, 4, 5 (Preliminary Examination cancelled.) (jm) (Entered: 10/08/2003)
10/09/2003	<u>7</u>	Filed Memo-Endorsement on letter: by USA as to Uzair Paracha, from Karl Metzner, AUSA, Dated 10/9/03, addressed to: Judge Stein, Re: initial PTC and arraignment, set pretrial conference for 2:00 10/14/03 for Uzair Paracha, and set Arraignment for 2:00 10/14/03 for Uzair Paracha, and to Continue in Interests of Justice time is excluded from 10/8/03 to 10/14/03 SO ORDERED. (Signed by Judge Sidney H. Stein); (ja) (Entered: 10/10/2003)
10/14/2003		Arraignment as to Uzair Paracha held Uzair Paracha (1) count(s) 1, 2, 3, 4, 5 before Judge Sidney H. Stein. Defendant Uzair Paracha present with attorney Edward Wilford. For the government Karl Metzner present. Court report Joanne Mancari also present. Initial pretrial conference held. Defendant is arraigned and pleads NOT GUILTY. Government shall produce discovery by 11/4/03. Defense shall serve and file any motions by 11/25/03, and there will be a pretrial conference on 11/25/03 at 2:00 p.m. Defendant remains remanded. (ph) Modified on 10/16/2003 (Entered: 10/16/2003)
10/14/2003		PLEA entered by Uzair Paracha. Court accepts plea. Not Guilty: Uzair Paracha (1) count(s) 1, 2, 3, 4, 5 (ph) (Entered: 10/16/2003)
10/14/2003		INITIAL PRETRIAL CONFERENCE as to Uzair Paracha held before Judge Sidney H. Stein. (ph) (Entered: 10/16/2003)
10/14/2003		ORAL ORDER as to Uzair Paracha, set scheduling order deadlines: Discovery cutoff to 11/4/03 for Uzair Paracha ; Motion Filing to 11/25/03 for Uzair Paracha ; Pretrial Conference for 2:00 11/25/03 for Uzair Paracha ; (Entered by Judge Sidney H. Stein) (ph) (Entered: 10/16/2003)
10/15/2003	<u>8</u>	Filed Memo-Endorsement on letter: by USA as to Uzair Paracha, from AUSA Karl Metzner, Dated 10/14/03, addressed to: Judge Stein Re: requesting an exclusion of time from today until 11/25/03, to Continue in Interests of Justice time is excluded from 10/14/03 to 11/25/03...Judge memo-endorsed: So ordered. (Signed by Judge Sidney H. Stein); (ph) (Entered: 10/15/2003)
11/05/2003	<u>9</u>	PROTECTIVE ORDER as to Uzair Paracha, this matter comes before the Court upon the Gov't's motion for a Protective Order to prevent the unauthorized disclosure or dissemination of classified national security information and documents belonging to the U.S. Gov't. which may be viewed by, made available to, or may otherwise come to be in the possession of the deft and defense counsel in this case, and ... IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to the authority granted under Secs. 3 and 9 of the Classified Information Procedures Act, 18 U.S.C. App. III ("CIPA"), the Security Procedures Established Pursuant to Pub. L. No. 96-456, 94 Stat. 2025, by the Chief Justice of the U.S. for the Protection of Classified Information..., the following Protective Order is entered. ... 16. The CSO shall maintain a separate sealed record for those materials which are classified. The CSO shall be responsible for the maintaining of the secured record for purposes of later proceedings or appeals. SO ORDERED. (Signed by Judge Sidney H. Stein); (ja) (Entered: 11/06/2003)
11/25/2003		Minute Entry for proceedings held before Judge Sidney H. Stein : Pretrial Conference as to Uzair Paracha held on 11/25/2003, as to Uzair Paracha. Defendant present with attorney Edward Wilford; for the Government Karl Metzner present. Defendant's Motions due by 1/5/2004, Government's Response due by 2/6/2004, Replies due by 2/20/2004, Oral Argument set for 2/26/2004 at 09:00 AM before Judge Sidney H. Stein. At the request of the government and with no objection by defendant, the Court excludes time from today until 2/26/04 from Speedy Trial Act calculations. Defendant remains remanded.(Court Reporter Sam Mauro) (ja,) (Entered: 12/01/2003)
12/12/2003	<u>10</u>	TRANSCRIPT of Proceedings as to Uzair Paracha held on 10/14/03 before Judge Sidney H. Stein. (pr,) (Entered: 12/12/2003)
01/05/2004	<u>11</u>	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/25/03 before Judge Sidney H. Stein. (pr,) (Entered: 01/05/2004)
01/05/2004	<u>12</u>	MOTION to Direct the government to disclose to the defendant any and all acts which the government would seek to introduce against the defendant pursuant to Federal Rule of Evidence 404(b) in such sufficient and reasonable time that the defendant may make a 404(b) motion to preclude the introduction of such evidence.. MOTION For an order permitting the defendant access to, Majid Khan, Khalid Sheik Mohammed and Saifullah Paracha, for the purposes of deposing these individuals.. MOTION to Suppress statement evidence, since such statements were the product of an unlawful warrantless arrest and because the defendant's right not to incriminate himself as well as the defendant's right to counsel were violated. MOTION to Suppress

		physical evidence, since such evidence was illegally seized from the defendant's person, office and home and were the product of unlawful actions on the part of the agents involved in the seizure and were the product of a tainted consent. MOTION to permit Uzair Paracha to make such other and further motions as may be appropriate. Document filed by Uzair Paracha. (jw,) (Entered: 01/07/2004)
01/13/2004	(13)	ORDER as to Uzair Paracha. Upon the application of Edward D. Wilford and Anthony L. Ricco, attys for defendant Uzair Paracha, and upon the declaration under penalty of perjury dated December 17, 2003 of defendant, It is hereby ORDERED that Edward D. Wilford and Anthony L. Ricco are appointed to represent the defendant in this action, pursuant to the Criminal Justice Act and 18 USC 3006(A). SO ORDERED. (Signed by Judge Sidney H. Stein on 12/30/03)(jw,) (Entered: 01/14/2004)
01/13/2004		Attorney update in case as to Uzair Paracha. Attorney Edward D Wilford for Uzair Paracha, Anthony L. Ricco for Uzair Paracha added. (jw,) (Entered: 01/14/2004)
02/02/2004	(14)	ENDORSED LETTER as to Uzair Paracha, addressed to Judge Stein, from Karl Metzner, AUSA, dated 1/30/04, re: requesting an additional 2 weeks in which to respond to the dft's pretrial motions. Further, the Government requests that the Court's order an exclusion of time pursuant to the Speedy Trial Act, 18 U.S.C. Sec. 3161(h)(1)(F) to the date set by the Court for the hearing on dft's motions. -- Govt's response due 2/20, dft's reply 3/5; March 18 at 9:30 a.m. for argument. Time is excluded until 3/18 pursuant to 18 U.S.C. Sec. 3161(h)(1)(F) and (h)(8)(A). The exclusion of time outweighs the interest... SO ORDERED. Defendant Replies due by 3/5/2004. Government Responses due by 2/20/2004. (Signed by Judge Sidney H. Stein on 2/2/04)(ja,) (Entered: 02/05/2004)
02/20/2004	(15)	MEMORANDUM in Opposition by USA as to defendant Uzair Paracha's pretrial motions. re [12] MOTION. (bw,) Modified on 2/23/2004 (bw,). (Entered: 02/23/2004)
03/12/2004	(16)	MOTION to Dismiss the Indictment. MOTION for such other and further relief as to this Court may seem just and proper. Document filed by Uzair Paracha. Attorney's Declaration attached. (ja,) Modified on 3/15/2004 (ja,). (Entered: 03/15/2004)
03/16/2004		Minute Entry for proceedings held before Judge Sidney H. Stein: Pretrial Conference as to Uzair Paracha held on 3/16/2004. Defendant Uzair Paracha present with attorneys Edward Wilford and Anthony Ricco. For the government Karl Metzner present. Court reporter Connie Kuhl also present. The defendant makes an application for new counsel. The Court dismisses the motion with leave to refile as set forth on the record today. The government shall respond to defendant's supplemental motion by 4/5/04. Defendant shall reply by 4/19/04. The argument and hearing will be held on 4/22/04 at 9:30 a.m. At the request of the government, and with no objection by defendant, the Court excludes time from today until 4/22/04, from Speedy Trial Act calculations. Defendant remains remanded. (ph,) (Entered: 03/17/2004)
03/16/2004		Set/Reset Deadlines/Hearings as to Uzair Paracha: Replies due by 4/19/2004. Responses due by 4/5/2004 Oral Argument set for 4/22/2004 09:30 AM before Judge Sidney H. Stein. (ph,) (Entered: 03/17/2004)
04/05/2004	(18)	MEMORANDUM by USA as to Uzair Paracha in Opposition to defendant Paracha's re: [16] MOTION to Dismiss the Indictment. (bw,) (Entered: 04/07/2004)
04/19/2004	(19)	ORDER as to Uzair Paracha. At the request of the dft and with the consent of the govt, IT IS HEREBY ORDERED that the hearing in this action is adjourned from 4/22/04 to 5/10/04 at 10:00 a.m. (Signed by Judge Sidney H. Stein on 4/16/04)(bw,) (Entered: 04/21/2004)
04/27/2004	(21)	TRANSCRIPT of Proceedings as to Uzair Paracha held on March 16, 2004, 10:00 a.m. before Judge Sidney H. Stein. (dt,) (Entered: 05/26/2004)
05/10/2004		Minute Entry for proceedings held before Judge Sidney H. Stein :Status Conference as to Uzair Paracha held on 5/10/2004. Defendant Uzair Paracha present with attys Edward Wilford and Anthony Ricco; for the government Karl Metzner present; court reporter Joanne Mancari also present. Hearing on defendant's motions to suppress statements and to suppress physical evidence begins and continues tomorrow. Defendant remains remanded. (jw,) (Entered: 05/12/2004)
05/11/2004		Minute Entry for proceedings held before Judge Sidney H. Stein :Status Conference as to Uzair Paracha held on 5/11/2004, as to Uzair Paracha. Hearing continues and concludes. Defense post hearing brief by 6/3/04, government's brief by 6/14/04. Defendant remains remanded. (jw,) (Entered: 05/12/2004)
05/11/2004	(20)	DECLARATION of Uzair Paracha by Uzair Paracha. (ph,) (Entered: 05/12/2004)
05/27/2004	(22)	TRANSCRIPT of Proceedings as to Uzair Paracha held on 5/10/04 before Judge Sidney H. Stein. (dfe,) (Entered: 05/27/2004)
06/01/2004	(23)	ENDORSED LETTER as to Uzair Paracha, addressed to Judge Stein, from Anthony L. Ricco, Atty for the dft, dated 5/31/04, re: a request for a slight modification of the post hearings briefing schedule. The defense request that it be permitted to file its post hearing brief on or before 5:00 p.m. on Monday, June 7, 2004, the govt's reply is due 6/16/04. SO ORDERED. (Signed by Judge Sidney H. Stein on 6/1/04)(ja,) (Entered: 06/04/2004)
06/10/2004	(24)	Post Hearing Memorandum of Law as to Uzair Paracha. (jw,) (Entered: 06/15/2004)
06/21/2004	(25)	Government's Post-Hearing MEMORANDUM in Opposition by USA to defendant Uzair Paracha's motions to suppress. (bw,) (Entered: 06/23/2004)
07/27/2004	(27)	Post Hearing Reply to the Government's Memorandum of Law as to Uzair Paracha. (ja,) (Entered: 07/29/2004)
08/24/2004	(28)	OPINION AND ORDER #90544 as to Uzair Paracha. Uzair Paracha, a Pakistani Citizen, was indicted by a grand jury in November 2003 and charged with, inter alia, providing material support to a terrorist organization in violation of 18 U.S.C. Section 2389B. Paracha moved pursuant to Rule 12(b)(3)(C) of the F.R.Cr.P. to suppress certain oral statements he made from March 28-30, 2003 during interviews with members of the Joint Terrorism Taskforce and to suppress items seized during a search of his belongings at his residence in Brooklyn in the early morning of March 29, 2003. He contends that his oral statements should be excluded because they were obtained involuntarily and in violation of his Fifth Amendment right not to incriminate himself. Paracha also seeks exclusion of the evidence seized during the search of his belongings as fruits of an unreasonable search because his consent to that search had been obtained involuntarily.... CONCLUSION: For the reasons set forth above, the govt has established, by a preponderance of evidence, that Paracha's statements were not obtained involuntarily and that those statements were not obtained in violation of his Fifth Amendment privilege not to incriminate himself. Therefore, Paracha's motion to suppress his statements is denied. In addition, the govt has established, by a preponderance of evidence, that the search of Paracha's belongings was not an unreasonable search because it was conducted with his voluntary consent. Therefore, his motion to suppress evidence seized during that search as the fruits of an unreasonable search and seizure is also denied. Accordingly, dft's Rule 12(b)(3)(C) motion is hereby denied. (Signed by Judge Sidney H. Stein on 8/24/04)(bw,) (Entered: 08/31/2004)
09/09/2004		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 9/9/2004. Defendant Uzair Paracha present with atty Edward Wilford and Anthony Ricco present; for the government Karl Metzner present; court reporter Steve Greenblum also present. Pretrial conference held. Defendant remain remanded. (jw,) (Entered: 09/13/2004)

09/27/2004	30	ORDER as to Uzair Paracha. In an Opinion and Order dated August 24, 2004, this Court denied defendant Uzair Paracha's motion to suppress his statements to members of the Joint Terrorism Taskforce, made during interviews conducted on March 28-30, 2003, and to suppress evidence seized in a search of his belongings conducted in the early morning of March 29, 2003. During a conference held on September 9, 2004, defendant requested the Court to address a point made by the defendant in his memorandum in support of the motion to suppress, but not directly addressed in the Opinion and Order dated August 24, 2004. As courts have recognized, the fact that a defendant has been advised of his or her rights significantly reduces the need for the prompt presentment.. (Signed by Judge Sidney H. Stein on 9/22/04)(jw,) (Entered: 10/14/2004)
10/04/2004	31	TRANSCRIPT of Proceedings as to Uzair Paracha held on 9/9/04 before Judge Sidney H. Stein. (dfe,) (Entered: 10/04/2004)
11/15/2004		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 11/15/2004, as to Uzair Paracha; Jury Trial set for 3/21/2005 09:30 AM before Judge Sidney H. Stein. Defendant Uzair Paracha present with atty Edward Wilford and Anthony Ricco; for the government Karl Metzner present; court reporter Amy Rivera also present. For the reasons set forth on the record, the Court DENIES defendant's motion to dismiss the indictment and DENIES defendant's motion for access to depose certain witnesses. The trial is set for 3/21/05, at 9:30am. Proposed jury charges and any motions in limine are due by 2/14/05. At the request of the government and with no objection by defendant, the Court excludes the time between today and through 3/21/06, from calculations under the Speedy Trial Act. Defendant remains remanded. (jw,) (Entered: 11/17/2004)
12/03/2004	31	Letter by Uzair Paracha addressed to Judge Stein from Tausif Paracha dated 11/4/04 re: This is letter is regarding the conditions under which my cousin Uzair Paracha is held in pre-trial detention in the MCC. We are concerned that his detention conditions, as alleged below, are unnecessarily punitive and may breach international standards. (jw,) (Entered: 12/06/2004)
02/04/2005	32	MOTION for Reconsideration Defendant's application to depose witnesses. Document filed by Uzair Paracha. (Attachments: # 1 Exhibit Exhibit A & B Sworn & Unsworn Statements of Saifullah Paracha)(Wilford, Edward) (Entered: 02/04/2005)
02/04/2005	33	MOTION for Reconsideration Letter to Court. Document filed by Uzair Paracha. (Attachments: # 1)(Wilford, Edward) (Entered: 02/04/2005)
02/15/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 2/15/2005. Deft. present w/atty. Edward Wilford & Anthony Ricco & AUSA Karl Metzner. At request of the govt. w/consent of deft. trial adj. to 9/12/05 @ 9:30 AM. Next conf. 3/21/05 @ 9:30 AM. Deft. remains remanded. (Court Reporter Bonnie Pryszinski) (pr,) (Entered: 02/23/2005)
02/15/2005		Set/Reset Hearings as to Uzair Paracha: Trial set for 9/12/2005 09:30 AM before Judge Sidney H. Stein..(pr,) (Entered: 02/23/2005)
02/16/2005	34	ENDORSED LETTER as to Uzair Paracha addressed to Judge Stein from AUSA Karl Metzner dated 2/8/05 re: submitted to request a one-week extension of time, to February 22, within which time to submit motions in limine, requests to charge, and proposed voir dire. JUDGE SO ORDERED. (Signed by Judge Sidney H. Stein on 1/8/05)(bw,) (Entered: 02/25/2005)
02/16/2005	35	ENDORSED LETTER as to Uzair Paracha addressed to Judge Stein from AUSA Karl Metzner dated 2/15/05 re: submitted to request that the present deadline of February 22 for the parties' submission of motions in limine, requests to charge, and proposed voir dire be vacated, to be reset at a future pretrial conference. JUDGE SO ORDERED. (Signed by Judge Sidney H. Stein on 2/15/04)(bw,) (Entered: 02/25/2005)
03/18/2005	36	Letter by Uzair Paracha addressed to Judge Stein from Attorney Edward Wilford dated 3/16/05 re: requesting that the Court grant the instant application for the appointment of a forensic psychologist to examine and evaluate the defendant. (ph,) (Entered: 03/23/2005)
03/21/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 3/21/2005 Deft. pres. W/atty. Edward Wilford & AUSA Karl Metzner. The court grants deft's request for deft. to be evaluated by a forensic psychologist. The court grants deft's request to adj. the trial 9/19/05. At the request of the govt. and with the consent of the deft., the court excludes time from calculations under the STA until 9/19/05. Deft. remains remanded.(Court Reporter Guido Tuccione) (pr,) (Entered: 03/23/2005)
03/21/2005		Set/Reset Hearings as to Uzair Paracha: Trial set for 9/19/2005 before Judge Sidney H. Stein..(pr,) (Entered: 03/25/2005)
03/22/2005	38	ORDER as to Uzair Paracha; that Dr. Barry Rosenfeld is appointed as a forensic psychologist in this action to report on whether the deft understands the nature of the charges against him and is able to assist properly in his defense, and what impact, if any, conditions of confinement have had on those issues. the Federal Bureau of Prisons provide Dr. Rosenfeld with reasonable access to perform necessary interviews, testing and evaluations of deft while he is in the custody of the Federal Bureau of Prisons, provided Dr. Rosenfeld is approved for access by the US Atty's Office, SDNY. (Signed by Judge Sidney H. Stein on 3/21/2005)(jp,) (Entered: 03/28/2005)
03/24/2005	37	TRANSCRIPT of Proceedings as to Uzair Paracha held on 2/15/2005 before Judge Sidney H. Stein. (kj,) (Entered: 03/24/2005)
03/24/2005	40	TRANSCRIPT of Criminal cause for detention hearing Proceedings as to Uzair Paracha held on 8/12/03 before Judge Andrew J. Peck.. Court Reporter: Kristin M. Rusin. Proceedings recorded by electronic sound recording. Transcript produced by transcription service (pr,) (Entered: 03/31/2005)
03/28/2005	39	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/15/04 before Judge Sidney H. Stein. (es,) (Entered: 03/28/2005)
04/13/2005	41	PROTECTIVE ORDER as to Uzair Paracha; regarding procedures to be followed that shall govern the handling of confidential materials. (Signed by Judge Sidney H. Stein on 4/12/2005)(jp,) (Entered: 04/15/2005)
04/27/2005	42	TRANSCRIPT of Proceedings as to Uzair Paracha held on 3/21/05 before Judge Sidney H. Stein. (mo,) (Entered: 04/27/2005)
05/24/2005	43	STIPULATION AND ORDER as to Uzair Paracha. It is hereby ORDERED pursuant to Rule 15 of the Federal Rules of Criminal Procedure that the defense be permitted to take the pretrial deposition of Saifullah Paracha under the following conditions and procedures. (Signed by Judge Sidney H. Stein on 5/20/05)(jw,) (Entered: 05/25/2005)
06/06/2005	44	Waiver of Presence at Desposition, as to Uzair Paracha. (ja,) (Entered: 06/07/2005)
07/11/2005	48	ORDER as to Uzair Paracha. Consistent with the provisions of Section 4, the Government's ex parte motion of June 13, 2005, shall be sealed and preserved in the records of the Court to be made available to any reviewing court in the event of an appeal. (Signed by Judge Sidney H. Stein on 7/8/05)(jw,) (Entered: 07/12/2005)
08/05/2005	49	MOTION to Direct the defendant be released on bail., MOTION For an order permitting the defendant access to, Majid Khan, Khalid Sheik Mohammed and an individual known to Uzair Paracha as Mustafa, for the purposes of deposing these individuals. MOTION for such other and further relief as to this Court may seem just and proper. Declaration attached. SO ORDERED. Document filed by Uzair Paracha. (jw,) (Entered: 08/09/2005)

08/10/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 8/10/2005.The court denies the def't's bail application.Def't. cont'd remanded. (Court Reporter Toni Stanley Mintz) (pr.) (Entered: 08/11/2005)
08/10/2005		ORAL ORDER as to Uzair Paracha At the request of the govt. and with the consent of def't. time excluded from 8/10/05 until 9/7/05.. The govt. shall respond to the def't's motion by 8/26/2005, def't shall reply by 9/2/2005. Curcio Hearing set for 9/7/2005 04:00 PM before Judge Sidney H. Stein. The parties make a joint request to adjourn the trial. The court grants the request and adjourns the trial to 10/31/2005 10:00 AM before Judge Sidney H. Stein. Proposed jury charges are due two weeks in advance of trial.Ordered by Judge Stein.(pr.) (Entered: 08/11/2005)
08/12/2005	50	ORDER as to Uzair Paracha. It is hereby ORDERED that the Bureau of Prisons is directed to arrange for the above defendant to be examined by a medical doctor as soon as practicable. SO ORDERED. (Signed by Judge Sidney H. Stein on 8/10/05)(jw.) (Entered: 08/15/2005)
08/30/2005	52	MEMORANDUM In Response by USA as to Uzair Paracha re 32 MOTION for Reconsideration Defendant's application to depose witnesses.. (pf.) (Entered: 09/01/2005)
08/31/2005	51	ENDORSED LETTER as to Uzair Paracha addressed to Judge Stein from Karl Metzner, AUSA dated 8/26/05 re: Extension of time until Thursday 8/30/05, to file govt. response to def't Paracha motion to depose witnesses.So ordered. (Signed by Judge Sidney H. Stein on 8/26/05)(pr.) (Entered: 09/01/2005)
08/31/2005		Set/Reset Deadlines as to Uzair Paracha:Govt. Response to def't's motion to depose witnesses due by 8/30/2005.(pr.) (Entered: 09/01/2005)
09/01/2005	53	Government's Proposed Curcio Hearing Questions by USA as to Uzair Paracha. (ja.) (Entered: 09/06/2005)
09/07/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Curcio Hearing as to Uzair Paracha held on 9/7/2005 Def't. pres. w/atty Edward Wilford & AUSA Karl Metzner.The court appoints CJA atty on duty, Susan Walsh, to advise def't. regarding a potential client. Hearing will continue 9/14/05 @ 11 AM. Def't. cont'd remanded. (Court Reporter Toni Stanley) (pr.) (Entered: 09/13/2005)
09/07/2005		ORAL ORDER as to Uzair Paracha Court appoints CJA atty. on duty today Susan Walsh, to advise def't. regarding a potential client.. (by Judge Sidney H. Stein on 9/7/05)(pr.) Modified on 9/13/2005 (pr.) (Entered: 09/13/2005)
09/07/2005		ORAL ORDER as to Uzair Paracha, Curcio Hearing will continue on 9/14/2005 11:00 AM before Judge Sidney H. Stein.. (by Judge Sidney H. Stein on 9/7/05)(pr.) (Entered: 09/13/2005)
09/07/2005	60	CJA 20 as to Uzair Paracha: Appointment of Attorney Susan J Walsh for Uzair Paracha.. (Signed by Judge Sidney H. Stein on 9/26/05) The CJA Office has mailed the original to the attorney and sent a copy to the case file.(pa.) (Entered: 09/28/2005)
09/09/2005	54	ORDER as to Uzair Paracha. It is hereby ORDERED that Susan Walsh, the attorney on duty today, is appointed pursuant to the Criminal Justice Act for the purpose of advising the def't regarding a potential conflict. (Signed by Judge Sidney H. Stein on 9/7/05)(bw.) (Entered: 09/14/2005)
09/13/2005	55	ENDORSED LETTER as to Uzair Paracha addressed to Judge Stein, from Edward D. Wilford, Atty for def't. dated 9/9/05, re: request an extension of time to file a reply to the Gov't's Memorandum of Law in Response to the def't's motion seeking to depose certain individuals until Tuesday, September 13, 2005. - Judge endorsed: So Ordered. Reply due by 9/13/2005. (Signed by Judge Sidney H. Stein on 9/10/05)(ja.) (Entered: 09/14/2005)
09/13/2005	58	Letter by Uzair Paracha addressed to Judge Stein from Tausif Paracha dated 9/7/05 re: Uzair Paracha's pre-trial prison conditions. (ph.) (Entered: 09/16/2005)
09/14/2005	56	DECLARATION of Anthony L. Ricco by Uzair Paracha in Reply to the Government's Memorandum of Law in response to the defendant's motion for access to and to depose Khalid Sheikh Mohammed, Majid Khan and Ammar Al-Baluchi. (ph.) (Entered: 09/16/2005)
09/14/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Curcio Hearing as to Uzair Paracha held and concluded on 9/14/2005 Def't. pres. w/atty Edward Wilford & Anthony Ricco and curcio counsel Susan Walsh & AUSA Karl Metzner & Eric Bruce.Def't. waives his right to conflict free representation. The court accepts the waiver as knowing and voluntary. Def't remains remanded. (pr.) (Entered: 09/21/2005)
09/15/2005	57	Letter by Uzair Paracha addressed to Judge Stein from Dr. Maria Khan dated 9/7/05 re: the defendant's deteriorating health and issues regarding visitation. (ph.) (Entered: 09/16/2005)
09/21/2005	59	TRANSCRIPT of Proceedings as to Uzair Paracha held on 9/07/05 before Judge Sidney H. Stein. (jno.) (Entered: 09/21/2005)
10/11/2005	61	TRANSCRIPT of Proceedings as to Uzair Paracha held on 09/14/05 before Judge Sidney H. Stein. (ea.) (Entered: 10/11/2005)
10/12/2005	62	TRANSCRIPT of Proceedings as to Uzair Paracha held on 9/14/2005 before Judge Sidney H. Stein. (jar.) (Entered: 10/12/2005)
10/17/2005	63	Proposed Jury Instructions by USA as to Uzair Paracha. (rag.) (Entered: 10/24/2005)
10/17/2005	64	Proposed Voir Dire Questions by USA as to Uzair Paracha. (rag.) (Entered: 10/24/2005)
10/17/2005	65	MOTION in Limine Re: Proffer Statements. Document filed by USA as to Uzair Paracha. (rag.) (Entered: 10/24/2005)
10/24/2005	67	MEMORANDUM OF LAW in Support by Uzair Paracha of Petition for a writ of habeas corpus ad testificandum. Dated 10/21/05. (bw.) (Entered: 11/01/2005)
10/24/2005	68	MEMORANDUM OF LAW in Opposition by USA to defendant Uzair Paracha's Petitions for writs of habeas corpus ad testificandum. (bw.) (Entered: 11/01/2005)
10/24/2005	69	MEMORANDUM In Response by USA as to Uzair Paracha's Proposed Jury Instructions. (bw.) (Entered: 11/01/2005)
10/26/2005	70	MEMORANDUM OF LAW in Reply by Uzair Paracha to Government's response to defendant's Petition for a Writ of Habeas Corpus Ad Testificandum. (bw.) (Entered: 11/01/2005)
10/27/2005	66	TRANSCRIPT of Proceedings as to Uzair Paracha held on 9/14/2005 before Judge Sidney H. Stein. (jar.) (Entered: 10/27/2005)
10/28/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 10/28/2005. Def't. Uzair Paracha present with attorney Edward Wilford; for the government Karl Metzner and Eric Bruce present; court reporter also present. The Court rules on pretrial issues. There will be a Daubert hearing on 11/2/05 at 9:30 a.m. The trial is adjourned to 11/7/05 at 9:30 a.m. At the request of the government and with the consent of defendant the Court excludes time until 11/2/05 from Speedy Trial Act calculations. Defendant remains remanded. (rg.) (Entered: 11/29/2005)

11/28/2005		Set/Reset Deadlines/Hearings as to Uzair Paracha: The trial is adjourned to 11/7/2005 09:30 AM before Judge Sidney H. Stein.(rg,) (Entered: 11/29/2005)
11/02/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Daubert Hearing as to Uzair Paracha held on 11/2/2005. Deft present w/attys Anthony Ricco and Edward Wilford. AUSA's Karl Metzner and Eric Bruce present. Court Reporter present. Conference set for 11/3/2005 at 3:00 p.m. Deft remains remanded. (jp,) (Entered: 11/21/2005)
11/04/2005	72	ORDER as to Uzair Paracha. IT IS HEREBY ORDERED, that the MCC accept clothing for and permit Uzair Paracha registry # 54896-054 currently housed at the MCC, to dress in said clothing during his upcoming trial, which is scheduled to commence 11/7/05. SO ORDERED. (Signed by Judge Sidney H. Stein on 11/3/05)(ja,) (Entered: 11/09/2005)
11/05/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 11/5/2005. Deft present w/attys Anthony Ricco and Edward Wilford. AUSA's Karl Metzner and Eric Bruce present. Court Reporter present. The Court rules on various motions. Next pretrial conference will be held on 11/7/2005 at 4:30 p.m. Deft remains remanded. (jp,) (Entered: 11/22/2005)
11/05/2005		Set/Reset Hearings as to Uzair Paracha: Pretrial Conference set for 11/7/2005 04:30 PM before Judge Sidney H. Stein..(jp,) (Entered: 11/22/2005)
11/07/2005	71	TRANSCRIPT of Proceedings as to Uzair Paracha held on 10/28/2005 before Judge Sidney H. Stein. (jar,) (Entered: 11/07/2005)
11/07/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Pretrial Conference as to Uzair Paracha held on 11/7/2005. Defendant Uzair Paracha present with attorneys Edward Wilford and Anthony Ricco; for the government Karl Metzner and Eric Bruce; Court reporter also present. Pretrial conference held. The Court denies defendant's motion for writs of habeas corpus and testificandum. Defendant remains remanded. (tb,) (Entered: 12/08/2005)
11/08/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Voir Dire begun on 11/8/2005 Uzair Paracha (1) on Count 1,2,3,4,5. (rg,) Defendant Uzair Paracha present with attorneys Edward Wilford and Anthony Ricco; for the government Karl Metzner and Eric Bruce present; Court Reporters Pam Utter and Denise Richards also present. Jury selection begins. (Entered: 11/29/2005)
11/08/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Voir Dire held on 11/8/2005 as to Uzair Paracha (rg,) (Entered: 11/29/2005)
11/08/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/8/2005. (rg,) (Entered: 11/29/2005)
11/09/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/9/2005. Jury selected. Selection oath given. Openings by the government and defendant. Trial continued. (rg,) (Entered: 11/29/2005)
11/10/2005	73	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/03/05 before Judge Sidney H. Stein. (es,) (Entered: 11/10/2005)
11/10/2005	74	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/02/05 before Judge Sidney H. Stein. (es,) (Entered: 11/10/2005)
11/10/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/10/2005. All parties and jurors present. Trial continued. (rg,) (Entered: 11/29/2005)
11/14/2005	75	Filed Jury Questionnaire as to Uzair Paracha. (rg,) (Entered: 11/14/2005)
11/14/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/14/2005. All parties and jurors present. Trial continued. (rg,) (Entered: 11/29/2005)
11/15/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/15/2005. All parties and jurors present. Trial continued. (rg,) (Entered: 11/30/2005)
11/16/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/16/2005. All parties and jurors present. The government rests. Trial continued. (rg,) (Entered: 11/30/2005)
11/17/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/17/2005. All parties and jurors present. The Court denies defendant's Rule 29 motion. Trial continued. (rg,) (Entered: 11/30/2005)
11/21/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/21/2005. All parties and jurors present. Charging conference held. The defense rests. Government's rebuttal case. Government and defense closings. Trial continued. (rg,) (Entered: 11/30/2005)
11/23/2005		Minute Entry for proceedings held before Judge Sidney H. Stein :Jury Trial as to Uzair Paracha held on 11/23/2005. All parties and jurors present. Jury charged. Deliberations begin. The jury finds defendant guilty on all counts. Jury dismissed. Sentencing set for March 3, 2006, at 2:00 p.m. Defendant remains remanded. (rg,) (Entered: 11/30/2005)
11/23/2005		JURY VERDICT as to Uzair Paracha (1) Guilty on Count 1,2,3,4,5. (rg,) (Entered: 11/30/2005)
11/23/2005		Set/Reset Deadlines/Hearings as to Uzair Paracha: Sentencing set for 3/3/2006 02:00 PM before Judge Sidney H. Stein.(rg,) (Entered: 11/30/2005)
11/29/2005	76	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/7/05 before Judge Sidney H. Stein. (jbe,) (Entered: 11/29/2005)
11/29/2005	77	ORDER as to Uzair Paracha; the sidebar conference at pages 1035-1040 of the trial transcript, which has previously been sealed, should now be unsealed. (Signed by Judge Sidney H. Stein on 11/28/05)(kw,) (Entered: 11/30/2005)
12/12/2005	78	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/16,17,18,21,22/2005 before Judge Sidney H. Stein. (jar,) (Entered: 12/12/2005)
12/12/2005	79	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/9,10,14,15/2005 before Judge Sidney H. Stein. (es,) (Entered: 12/12/2005)
12/12/2005	80	TRANSCRIPT of Proceedings as to Uzair Paracha held on 11/23/05 before Judge Sidney H. Stein. (es,) (Entered: 12/12/2005)
12/16/2005	81	ORDER as to Uzair Paracha. Ordered that Edward Grimes-Carrion is appointed as a forensic computer consultant at a rate of \$75.00 per hour with a "cap" set at 20 hours nunc pro tunc to 10/17/05. (Signed by Judge Sidney H. Stein on 12/16/05)(vb,) (Entered: 12/20/2005)

01/03/2006	85	OPINION 92565 as to Uzair Paracha. The significance of the interests of Paracha and the government in this action cannot be gainsaid. Although this Court will not require the government to produce witnesses where doing so threatens our national security, neither can it permit a trial to go forward where doing so would deprive Paracha of his right to present a meaningful defense. In the unique circumstances of this case, the availability of the exculpatory statements made by Khan and al Bajuchi has made it possible to craft what the Court believes constitutes an effective and viable alternative to their live testimony or videotaped deposition testimony. As for the government's proposed expert, while the government may present expert testimony to explain to the jury the origins and structure of al Qaeda, it may not use an expert to summarize factual evidence for the jury nor may it present expert testimony aimed at guiding the jury's determination of the credibility of fact witnesses. Finally, although the government need not prove that Paracha intended to further the unlawful activities of al Qaeda to sustain a conviction of the counts charging violations of 18 U.S.C. 2339B, it must prove that Paracha acted knowing that what he was providing would or could further the interests of al Qaeda as an organization and not simply the personal interests of its individual members. (Signed by Judge Sidney H. Stein on 1/3/06)(kw,) Modified on 1/4/2006 (kw,). Modified on 1/5/2006 (ns,). (Entered: 01/03/2006)
02/21/2006	85	ENDORSED LETTER as to Uzair Paracha addressed to Judge Stein from Attorney Anthony L. Ricco dated 2/17/06 re: submitted to request an adjournment of the sentencing to a date after 4/23/06. Judge Endorsed - The sentencing is adjourned to 5/1/06, at 10:00 a.m. Defendant's submissions by April 7, 2006, govt objections by April 19, 2006. (Signed by Judge Sidney H. Stein on 2/17/06)(bw,) (Entered: 02/23/2006)
02/21/2006		Set/Reset Deadlines/Hearings as to Uzair Paracha: Brief (def't's submissions) due by 4/7/2006. Responses (by Govt) due by 4/19/2006. Sentencing set for 5/1/2006 10:00 AM before Judge Sidney H. Stein.(bw,) (Entered: 02/23/2006)
04/27/2006	86	ENDORSED LETTER as to Uzair Paracha addressed to Judge Stein from Edward D. Wilford dated 4/26/06 re: Reschedule Sentencing., as to Uzair Paracha; Sentencing set for 6/1/2006 02:00 PM before Judge Sidney H. Stein. Judge Memo-endorsed. The Sentencing is adjourned until 6/1/06 at 2:00pm. Defense submissions by 5/4/06; govt's response by 5/18/06. SO ORDERED. (Signed by Judge Sidney H. Stein on 4/26/06)(jw,) (Entered: 04/27/2006)
04/27/2006		Minute Entry for proceedings held before Judge Sidney H. Stein : as to Uzair Paracha; Defense Replies due by 5/4/2006. Government Responses due by 5/18/2006 (jw,) (Entered: 04/27/2006)
05/03/2006	87	ORDER as to Uzair Paracha. It is hereby ORDERED, that Mel Mays is appointed as an investigator in the above captioned case, at the regular CJA rate for investigators, nunc pro tunc to October 31, 2006 up to \$4000. SO ORDERED. (Signed by Judge Sidney H. Stein on 3/31/06)(jw,) (Entered: 05/04/2006)
07/20/2006		Minute Entry for proceedings held before Judge Sidney H. Stein : Sentencing held on 7/20/2006 for Uzair Paracha (1) Count 1,2,3,4,5. Def't Uzair Paracha present w/atty Edward Wilford; for the govt, Karl Metzner and Eric Bruce present; court reporter Bill Richards also present. Def't makes an application to have Anthony Ricco relieved as his atty. The Court grants the application. [See Judgment filed on 7/21/06] (bw,) (Entered: 07/24/2006)
07/20/2006		Attorney update in case as to Uzair Paracha. Attorney Anthony L. Ricco and Anthony L. Ricco terminated.(bw,) (Entered: 07/24/2006)
07/21/2006	88	JUDGMENT In A Criminal Case. Defendant's Attorney: Edward Wilford. Defendant Uzair Paracha (1) was found guilty on Count(s) 1, 2, 3, 4, and 5, as charged in the Indictment, after a plea of not guilty. The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. Imprisonment: 360 Months (15 years on Count One, 15 years on Count Two, 10 years on Count Three, 10 years on Count Four, all to run concurrent with each other, and 25 years on Count Five as follows: the first 10 years to run concurrent to the last 10 years of Counts One through Four, the final 15 years to run consecutive to Counts One through Four.) The court makes the following recommendations to the Bureau of Prisons: 1. That defendant's sentence be credited with the time he spent in custody as a material witness. 2. That defendant be housed in the northeast region. Supervised Release: 5 Years (three years on each of Counts One through Four to run concurrent and five years on Count Five to run concurrent with the supervised release in Counts One through Four). The above drug testing condition (p.4 of judgment) is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. Special Conditions of Supervision (see p.3 of judgment). Assessment: \$500.00, due immediately. Special instructions regarding the payment of criminal monetary penalties: If the defendant is engaged in a BOP non-UNICOR work program, the defendant shall pay 25% per quarter toward the payment of his special assessment. However, if the defendant participates in the BOP's UNICOR program as a grade 1 through 4, the defendant shall pay 50% of his monthly UNICOR earnings toward the payment of his special assessment, consistent with BOP regulations. (Signed by Judge Sidney H. Stein on 7/21/06)(bw,) (Entered: 07/24/2006)
07/21/2006		Judgment entered in money judgment book as #06,1635 as to Uzair Paracha in the amount of \$ 500.00; re: {88} Judgment. (dt,) (Entered: 07/25/2006)
07/24/2006	89	ORDER as to Uzair Paracha. It is hereby ORDERED that Anthony Ricco is relieved as def't's atty. SO ORDERED. (Signed by Judge Sidney H. Stein on 7/20/06)(jw,) (Entered: 07/25/2006)
07/28/2006	90	NOTICE OF APPEAL by Uzair Paracha from {88} Judgment. Copies of Notice of Appeal mailed to Attorney(s) of Record: A.U.S.A. and Court Reporters. (CJA). (nd,) (Entered: 07/31/2006)
07/31/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Uzair Paracha to US Court of Appeals re: {90} Notice of Appeal - Final Judgment. (nd,) (Entered: 07/31/2006)
08/22/2006		USCA SCHEDULING ORDER as to Uzair Paracha related to {90} Notice of Appeal - Final Judgment filed by Uzair Paracha, USCA Case Number 06-3599-cr. Roseann B. MacKechnie, Clerk USCA. Certified: 8/18/06. Appeal Record due by 9/8/2006. (tp,) (Entered: 08/22/2006)
08/25/2006	91	TRANSCRIPT of Proceedings as to Uzair Paracha held on 7/20/06 before Judge Sidney H. Stein. (db,) (Entered: 08/25/2006)